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**SURFACE TRANSPORTATION BOARD  
SECTION OF ENVIRONMENTAL ANALYSIS**

**POST ENVIRONMENTAL ASSESSMENT**

**ENVIRONMENTAL RECOMMENDATIONS**

**STB DOCKET NO. AB-6 (SUB-NO. 457X)**

**BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN STEVENS  
COUNTY, MN**

**May 2, 2008**

**ACTION: REMOVAL OF SECTION 106 CONDITION**

**ABANDONMENT TYPE**

The time for comments on the Environmental Assessment (EA) has expired in this:

( x ) Notice of Exemption    ( ) Petition for Exemption    ( ) Regulated Abandonment

**(x) NEW COMMENTS WERE RECEIVED**

SEA served an Environmental Assessment (EA) for this proceeding on August 16, 2007, for public review and comment. SEA served a Post EA on September 28, 2007, in the EA and Post EA, SEA recommended that a Section 106 condition be placed on any decision granting abandonment authority. At this time, SEA recommends that the Section 106 condition be removed. A Memorandum of Agreement has been signed by SEA, Minnesota State Historic Preservation Office and BNSF.

**CONCLUSIONS**

SEA recommends that the following Section 106 condition previously recommended in the EA and Post EA should be removed.

**CONDITION**

- BNSF Railway Company (BNSF) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF shall report back to the Section of Environmental Analysis regarding any consultations with the Minnesota State Historic Preservation Office, Tribal Historic Preservation Office (if on tribal lands), any other Section 106 consulting parties that have been identified and the

public. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition.

SEA CONTACT: Phillis Johnson-Ball X0304

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**MEMORANDUM OF AGREEMENT**

**BETWEEN UNITED STATES SURFACE TRANSPORTATION BOARD,  
BNSF RAILWAY COMPANY, AND  
MINNESOTA STATE HISTORIC PRESERVATION OFFICE**

**REGARDING AB-6 (SUB. NO. 457X)  
BNSF RAILWAY COMPANY  
—ABANDONMENT EXEMPTION—  
IN STEVENS COUNTY, MINNESOTA**

**WHEREAS**, on August 16, 2007, BNSF Railway Company (BNSF) filed a notice of exemption with the Surface Transportation Board (Board) under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an approximately 0.65-mile rail line between mileposts 86.00 and 86.65, in Morris, Stevens County, MN; and

**WHEREAS**, in a decision served October 4, 2007, the Board imposed a condition for the proposed abandonment that requires BNSF to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), has been completed. In addition, the Board made it clear BNSF may not file its consummation notice or initiate any salvage activities until the Section 106 process has been completed and the Board has removed the condition; and

**WHEREAS**, based on comments submitted by the Minnesota State Historic Preservation Office (MNSHPO), the Board's Section of Environmental Analysis (SEA) determined that the rail line as a whole, historically known as the Little Falls and Dakota Line, is eligible for listing in the National Register of Historic Places (National Register); and

**WHEREAS**, this line historically was used for car storage, and as rail car storage needs lessened, the rails were removed on the right-of-way more than 20 years ago, prior to Board approval; and

**WHEREAS**, the Board consulted with the MNSHPO pursuant to 36 CFR Part 800, and has noted MNSHPO advised that generally, abandonment without protective measures constitutes an adverse effect, and that MNSHPO had no recommended mitigation for the proposed abandonment; and

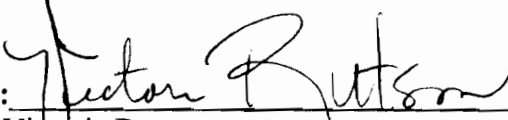
**NOW THEREFORE**, the Board, BNSF, and MNSHPO agree that the execution of this Memorandum of Agreement (MOA) by the parties hereto and its subsequent submission to the Advisory Council on Historic Preservation (ACHP) in accordance with 36 CFR 800.6(b)(1)(iv), shall, pursuant to 36 CFR 800.6(c), be considered an agreement with the ACHP for the purpose of the NHPA. Execution and submission of the MOA and implementation of its terms evidences that the Board has afforded the ACHP an

opportunity to comment on the proposed action relating to the line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA.

**ACCEPTED AND AGREED**

**SIGNATORY PARTIES:**

**SURFACE TRANSPORTATION BOARD**

BY:   
Victoria Rutson  
Chief, Section of Environmental Analysis

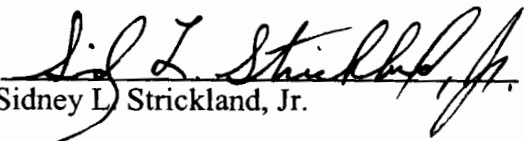
DATE: 2/13/08

**MINNESOTA STATE HISTORIC PRESERVATION OFFICE**

BY:   
State Historic Preservation Officer

DATE: 1/2/08

**BNSF RAILWAY COMPANY**

BY:   
Sidney L. Strickland, Jr.

DATE: 1/9/2008